



**CITY OF LODI  
COUNCIL COMMUNICATION**

**AGENDA TITLE:** Ordinance No. 1751 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 449 East Harney Lane (APN 062-290-17) from R-MD, Residential Medium Density, to PD(36), Planned Development Number 36, for The Villas"

**MEETING DATE:** August 18, 2004

**PREPARED BY:** City Clerk

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**RECOMMENDED ACTION:** Motion waiving reading in full and (following reading by title) adopting the attached Ordinance No. 1751.

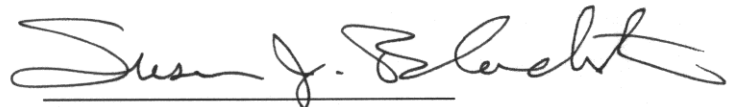
**BACKGROUND INFORMATION:** Ordinance No. 1751 entitled, "An Ordinance of the Lodi City Council Amending the Official District Map of the City of Lodi and Thereby Rezoning 449 East Harney Lane (APN 062-290-17) from R-MD, Residential Medium Density, to PD(36), Planned Development Number 36, for The Villas" was introduced at the regular City Council meeting of August 4, 2004.

**ADOPTION:** With the exception of urgency ordinances, no ordinance may be passed within five days of its introduction. Two readings are therefore required – one to introduce and a second to adopt the ordinance. Ordinances may only be passed at a regular meeting or at an adjourned regular meeting; except for urgency ordinances, ordinances may not be passed at a special meeting. Id. All ordinances must be read in full either at the time of introduction or at the time of passage, unless a regular motion waiving further reading is adopted by a majority of all council persons present. **Cal. Gov't Code § 36934.**

Ordinances take effect 30 days after their final passage. **Cal. Gov't Code § 36937.**

This ordinance has been approved as to form by the City Attorney.

**FUNDING:** None required.

  
Susan J. Blackston  
City Clerk

SJB/JMP  
Attachment

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**APPROVED:** \_\_\_\_\_  
Janet S. Keeter, Interim City Manager

ORDINANCE NO. 1751

AN ORDINANCE OF THE LODI CITY COUNCIL AMENDING  
THE OFFICIAL DISTRICT MAP OF THE CITY OF LODI  
AND THEREBY REZONING 449 EAST HARNEY LANE  
(APN 062-290-17) FROM R-MD, RESIDENTIAL MEDIUM  
DENSITY, TO PD(36), PLANNED DEVELOPMENT  
NUMBER 36, FOR THE VILLAS

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BE IT ORDAINED BY THE LODI CITY COUNCIL AS FOLLOWS:

Section 1. The Official District Map of the City of Lodi adopted by Title 17 of the Lodi Municipal Code is hereby amended as follows:

10.28 acres located at 449 East Harney Lane (APN 062-290-17) are hereby rezoned from R-MD, Residential Medium Density to PD(36), Planned Development Number 36, as shown on Exhibit "A" attached, which is on file in the office of the City Clerk.

Section 2. The Planning Commission adopted Resolution No. P.C. 04-31 recommending approval of this request for a rezone at its meeting of June 9, 2004.

Section 3. A Negative Declaration (ND-03-08) has been prepared in compliance with the California Environmental Quality Act of 1970, as amended, and the Guidelines provided thereunder. Further, the Planning Commission has reviewed and considered the information contained in said Negative Declaration with respect to the project identified in their Resolution No. P.C. 04-31.

Section 4 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

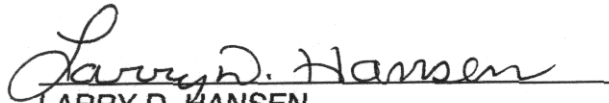
Section 5 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 6. The alterations, changes, and amendments of said Official District Map of the City of Lodi herein set forth have been approved by the City Planning Commission and by the City Council of this City after public hearings held in conformance with provisions of Title 17 of the Lodi Municipal Code and the laws of the State of California applicable thereto.


Section 7. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 8. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 18<sup>th</sup> day of August, 2004.

  
LARRY D. HANSEN  
Mayor

Attest:

  
SUSAN J. BLACKSTON  
City Clerk

State of California  
County of San Joaquin, ss.

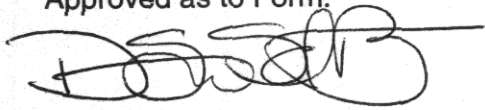
I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1751 was introduced at a regular meeting of the City Council of the City of Lodi held August 4, 2004, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held August 18, 2004, by the following vote:

|          |   |
|----------|---|
| AYES:    | COUNCIL MEMBERS – Beckman, Hitchcock, Howard,<br>Land, and Mayor Hansen |
| NOES:    | COUNCIL MEMBERS – None  |
| ABSENT:  | COUNCIL MEMBERS – None  |
| ABSTAIN: | COUNCIL MEMBERS – None  |

I further certify that Ordinance No. 1751 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

  
SUSAN J. BLACKSTON  
City Clerk

Approved as to Form:

  
D. STEPHEN SCHWABAUER  
City Attorney

# EXHIBIT A

